



Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

HB 163 amends Section 32A-2-3 NMSA 1978, the definitions section of the Delinquency Act, to add a separate subparagraph regarding alcohol and cannabis-related activities to the definition of “delinquent act”. That subparagraph would include alcohol-related activities relocated there from elsewhere in the definition of “delinquent act”, as well as the following cannabis-related activities:

- buying, attempting to buy, receiving or possessing cannabis pursuant to Section 26-2C-30 NMSA 1978;
- being present in a licensed retail cannabis establishment, except in the presence of the child’s parent, guardian, custodian or adult spouse;
- buying, attempting to buy, receiving, possessing or being served a cannabis product;
- smoking a cannabis product in a public place or privately owned property; and
- producing cannabis.

HB 163 provides an exception for children who are in possession of or using cannabis pursuant to the Lynn and Erin Compassionate Use Act.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

HB 163 makes “buying, attempting to buy, receiving or possessing cannabis pursuant to Section 26-2C-30 NMSA 1978” a delinquent act. However, Section 26-2C-30 only prohibits the possession of cannabis by a person under 21, and does not address buying, attempting to buy, or receiving cannabis.

HB 163 also does not define or incorporate by reference any definitions of the cannabis-related activities it includes (i.e., “cannabis”, “cannabis product”, etc.). These terms are defined in Section 26-2C-2, the definitions section of the Cannabis Regulation Act, but that section applies only to the Cannabis Regulation Act, and it is unclear if the bill’s authors intend for the same definitions to apply to the Delinquency Act.

#### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

### **TECHNICAL ISSUES**

Subparagraph B on page 4, lines 10 through 19, uses a variety of punctuation marks to separate the activities listed (including a period, a semi-colon, and several commas), which makes the list difficult to follow.

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

### **AMENDMENTS**